

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary/Minutes Agenda

April 8, 2014

7:00 P.M.

Call to Order - **Council President Garcia-Martinez called the meeting to order at 7:12pm.**

Roll Call- **All members present.**

Also present were:

- **Carlos Hernandez, Mayor**
- **Lorena Bravo, Acting City Attorney**
- **Marbelys Fatjo, Acting City Clerk**

Invocation given by Mel Santiesteban, Police Chaplin

Pledge of Allegiance led by Councilman Paul Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the Acting City Clerk, and translated to Spanish by Maricarmen López, Administrative Aide in the Office of the City Clerk.

REPORT: Mayor welcomed the new City Attorney Lorena Bravo to her first Council Meeting as City Attorney. Mayor Hernandez recognized Police Chaplin Mel Santiesteban, and wished Councilwoman Lourdes Lozano a happy birthday.

Presentations –

- Mayor Carlos Hernandez recognizes the Hialeah Police Department's SWAT entry team members for receiving the prestigious law enforcement officer (LEO) award this year for their heroic actions on July 26, 2013.
 - Commander Hubert Ruiz
 - Lt. Orlando Salvat
 - Sergeant Luis Garcia
 - Sergeant Yan Perez
 - Sergeant Fernando Montalvo
 - Sergeant Andrew Lopez-Cao
 - Officer Barbaro Hernandez
 - Officer Mark Quinlan
 - Officer Richard Quintero

REPORT: Hialeah Police Chief Sergio Velazquez, Officer Carl Zogby, Public Information Officer of the Hialeah Police Department, and Mayor Hernandez presented each of the SWAT Team members with awards and recognized Lt. Jorge Herrera of the Miami-Dade County SWAT team for being present.

- Presentation of Awards of Merit by Mayor Carlos Hernandez to the members of the Trinity Christian Academy 2014 Boys Basketball Team for their achievement as FCAA State Championship and Independent Schools League Champions. The team was undefeated in both leagues.
 - #0 Justin Cortorreal – Captain
 - #1 Marcos Garcia
 - #2 Gregory Suncar
 - #3 Marc Mendez – Captain
 - #5 Devon Shorter
 - #10 Daniel Martinez
 - #14 Jubani Millares
 - #23 Kenneth Espinosa
 - #24 Matthew Pis
 - #25 Emilio Lazcano
 - #30 Taylor Pompa
 - #35 Alexander Oquendo
 - *Head Coach – Robert Donahue*

REPORT: Mayor Hernandez presented each of the students and the head coach with a Certificate of Merit.

REPORT: Coach Donahue commended the players.

- William Arguelles, Ph.D. and Maria S. Pattany, M.D., of the Miami Field Center at the University of Miami, presents a summary of the research results of the Hispanic Community Health Study/Study of Latinos, the largest health study of Hispanic/Latino populations living in the United States. The goals of the study include studying the prevalence and development of disease in Hispanics, the role of acculturation, and to identify risk factors that play protective or harmful roles in Hispanics.

REPORT: William Arguelles, Ph.D. and Maria S. Pattany, M.D., of the Miami Field Center at the University of Miami presented the results of the study.

1. Announcement of Amendments/Corrections to the Agenda – **Item C was amended to reflect the correct amount of the proposed purchase order increase. Item Q was added to the agenda. The applicants of PZ 1 and PZ 3 requested that the items remain on table. The applicant of item PZ 2 requested that the item be tabled.**

2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Council Vice President requested to have item B removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except item B, made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on March 25, 2014. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- B. Proposed resolution expressing strong opposition to the imminent rollout of the Florida Department of Transportation's (FDOT) Palmetto Express Project, which will create tolled express lanes on State Road 826/Palmetto Expressway and I-75, wherein toll rates increase as congestion increases, as this system of "Dynamic Tolling" will place an additional financial strain on commuters in Miami-Dade County, particularly during peak travel hours. (COUNCIL VICE PRESIDENT LUIS GONZALEZ) **APPROVED (7-0)**
RESOLUTION NO. 2014-46

REPORT: Council Vice President Gonzalez expressed his opposition to the imminent rollout of the Florida Department of Transportation's Palmetto Express Project, and his support for the resolution.

Motion to Approve Item B made by Council Vice President Gonzalez, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (7-0).

- C. Request permission to increase the contract amount of the elevator maintenance contract between the City and Schindler Elevator Corporation, since it is advantageous to the City, in order to include service to the Milander Center elevator, by an additional amount of \$1,668.00, for a new total cumulative amount not to exceed \$37,153.68. (CONSTRUCTION & MAINTENANCE DEPT.) **APPROVED (7-0)**
- D. Proposed resolution authorizing the Mayor and or his designee to execute and implement budget amendments to the City of Hialeah Community Development Block Grant (CDBG) Program for Fiscal Year 2013-2014, covering the period from October 1, 2013 through September 30, 2014. (DEPT OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0) RESOLUTION NO. 2014-47**
- E. Request permission to increase purchase order #2014-781, since it is advantageous to the City due to an increase in pricing for medical supplies created by a nationwide shortage, issued to Midwest Medical Supply Company, LLC, to purchase medical supplies by an additional amount of \$8,000, for a new total cumulative amount not to exceed \$43,000. Further request permission to increase purchase order #2014-779, since it is advantageous to the City due to an increase in pricing for medical supplies created by a nationwide shortage, issued to Bound Tree Medical, LLC, to purchase medical supplies, by an additional amount of \$8,000, for a new total cumulative amount no to exceed \$50,000. On November 12, 2013, both vendors were awarded Medical Supplies per Hialeah Bid # 2012/2013-200-12-047. (FIRE DEPT.) **APPROVED (7-0)**
- F. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the Interlocal Agreement for joint completion of an Urban Areas Security Initiative Program with the City of Miami ending on May 31, 2015, which provides the funding for the 2013 grant year. (FIRE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2014-48**
- G. Request permission to utilize Miami-Dade County Bid #5745-2/14-2 (Contract ID 5745-2/14-2), and increase purchase order #2014-69 issued to TPH Acquisition LLLP, doing business as The Parts House, to purchase automotive parts and accessories for City vehicles, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- H. Request permission to increase purchase order #2014-230, since it is advantageous to the City, issued to Palmetto Ford Truck Sales, Inc., to purchase Ford and Sterling truck parts for City trucks, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$50,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- I. Request permission to waive competitive bidding, since its advantageous to the City, and increase purchase order #2014-136 issued to Jorge Leon Car Wash, Inc., for the service of washing City vehicles and trucks at 900 East 56 Street, Hialeah, FL, by an additional \$30,000, for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- J. Request permission to utilize Western States Contracting Alliance Wireless Communication Services and Equipment Contract # 1797349 between Palm Beach County and AT&T Mobility National Accounts LLC, since it is advantageous to the City,

and issue a purchase to AT&T Mobility LLC, for Net Motion Mobility XE Premium Software Maintenance of all Mobile Data Terminals mobile VPN clients, for a total cumulative amount not to exceed \$17,435, which also includes upgrades and support through March 26, 2015. (INFORMATION TECHNOLOGY) **APPROVED (7-0)**

- K.** Proposed resolution accepting the Grant Award from the National Recreation and Park Association for a Healthful Food Snack Program for the summer and fall in the amount of \$41,200, including monetary funding and in-kind training materials; and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Grant Agreement commencing on April 1, 2014 and ending January 31, 2015 in furtherance thereof, in a form acceptable to the City Attorney. (PARKS AND RECREATION DEPT.) **APPROVED (7-0) RESOLUTION NO. 2014-49**
- L.** Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Agreement with Barbaro Rojas, as a continuing contract, the duration of which is at the sole discretion of the City, to perform the services of Public Safety Communications Officer, a copy of which is attached hereto and made part hereof as Exhibit “1”. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2014-50**
- M.** Proposed resolution approving the expenditure totaling an amount not to exceed \$9,199.78 from the Law Enforcement Trust Fund-*Federal*, to purchase the Pen Link Telecommunication Intelligence & Analysis Software Package from Penlink, a sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2014-51**
- N.** Request permission to explore negotiation with Coventry Healthcare and/or United Healthcare regarding the HMO Plan at more favorable terms, and request permission to retain Pinetree Capitol, LLC, doing business as Pinetree Benefit Solutions, to serve as the City’s insurance broker/consultant for negotiating the HMO Plan and the dental/vision plans. (RISK MANAGEMENT) **APPROVED (7-0)**
- O.** Proposed resolution authorizing the transfer of Unencumbered Appropriation Balances or a portion thereof between classifications of expenditures from one department to another within the General Fund; within the Special Revenue Funds, and in particular, the Streets Transportation Fund, Police Department LETF-State, Fire Prevention Fund, Fire Rescue Transport Fund, Urban Area Security Grant Fund, Police Grant Fund, E-911 Wireless Fund, Affordable Housing Fund, Hialeah Circulator Fund, 3-Cent Local Option Gas Tax Fund, ECS & Library Grants Fund and the Building Department Fund and within Enterprise Funds and in particular, Public Works Fund-Solid Waste Division, Public Works Fund-Water & Sewers Division and Stormwater Utility Fund, all as summarized and itemized in the schedule attached as Exhibit “1” and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (7-0) RESOLUTION NO. 2014-52**
- P.** Report of Scrivener’s Error – Ordinance 2014-13 / Final Plat Palm West. The ordinance is corrected as follows: Property, a vacant parcel, located at the north side of West 78 Street, between West 24 Avenue and West 25 Avenue, Hialeah, Miami-Dade County,

Florida, zoned *R-3-4 (Multiple Family District)*, and classified under the Future Land Use Map as *High Density Residential*. **APPROVED (7-0)**

- Q.** Request permission to utilize State of Florida Contract # 863-000-10-1, since it is advantageous to the City, and increase purchase order #2014-82 issued to South Dade Automotive, Inc., to purchase of tires for City vehicles, by an additional amount of \$40,000, for a new total cumulative amount not to exceed \$55,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- 3.** First reading of proposed ordinance providing for a 10% Deferred Compensation Benefit based on annual compensation for any City Attorney and Assistant City Attorney first employed on or after April 1, 2014 without affecting any pension benefits or deferred compensation benefit provided to the City Attorney or Assistant City Attorneys who have vested in the Elected Officers Retirement Trust, or who are continuing pension contributions towards vesting or who are receiving deferred compensation benefits; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (LAW DEPT.) **APPROVED (7-0)**

Motion to Approve Item 3 made by Councilwoman Casals-Muñoz, and seconded by Council Vice President Gonzalez. MOTION PASSED (7-0)

- 4.** Board Appointments- **None.**
- 5.** Unfinished Business- **None.**
- 6.** New Business- **None.**
- 7.** Comments and Questions-

- 1.** **Mayor thanked the Council, City Employees, and Department Heads who assisted in raising funds for Relay for Life, and reminded all about the Super Saturday event with Leon Medical Centers with the goal of raising funds for La Liga Contra el Cancer.**
- 2.** **Frank de la Paz- 10655 SW 113 Place, commented on Ms. Bravo as the City Attorney, and on the women sitting on the dais.**
- 3.** **Council President Garcia-Martinez acknowledged Commissioner Diaz' assistant Olga Fernandez and Commissioner Esteban Bovo's assistant Lenna Borges, who were present in the audience.**
- 4.** **Juan Santana- 1190 West 56 Street- commented about employee Carlos Lopez, and asked council about information on Solid Waste Bulk Pick Up.**
- 5.** **Jorge Castillo- 4252 East 4 Avenue- Churro Magico, addressed the Mayor and Council about not being able to have an LED sign in his business.**
- 6.** **Warren Story - 1065 West 29 Street- addressed Mayor and Council about EMF radio waves in his neighborhood.**

7. Lourdes Fernandez & Hector Fernandez- 1800 West 68 Street, Suite 139- addressed the Mayor and Council about LED signs.
8. Rosio Romero owner of Lori Beauty Salon, 1560 West 60 Street- Stated she has the LED sign for 10 years, has a reader board sign on the window, and received a letter from Code Compliance to remove the sign.
9. Debora Storch, Planning and Zoning Director was present to address the questions about the LED ordinance and regulations.
10. Violeta Blanco, Code Compliance Director was present to address the questions and regulations regarding LED signs.

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a replat of two substandard lots, the first lot having a width of 48 feet, more or less, where a minimum average width of 75 feet is required, a total area of 6,507 square feet, more or less, where a total area of at least 7,500 square feet is required and a corner side setback of 12.5 feet, where 15 feet are required, and the second lot having a width of 40 feet, more or less, where a minimum average width of 75 feet is required, and a total area of 5,539 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code §§ 98-347(4), 98-499, and 98-501. **Property located at 385 West 42 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Artilleros, LLP* **Item tabled on April 8, 2014 until May 27, 2014.**

REPORT: Applicant has requested that item be tabled until the meeting of May 27, 2014. The request has been made a part of the record.

Motion to Table item PZ 1 made by Council Vice President Gonzalez, and seconded by Councilman Caragol. MOTION PASSED (7-0). Item tabled until May 27, 2014.

PZ 2. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a 15-foot two-way direction driveway on property zoned CR (Commercial-Residential District), contra to Hialeah Code §98-2188(a)b. **Property located at 275 East 9 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and

providing for an effective date. *Applicant: Ceasar Mestre* **Item tabled on April 8, 2014 until the meeting of April 22, 2014.**

REPORT: Applicant has requested that item be tabled until the meeting of April 22, 2014. The request has been made part of the record.

Motion to table item PZ 2 made by Council Vice President Gonzalez, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (7-0). Item tabled until April 22, 2014.

PZ 3. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District) and granting a Variance Permit to allow 15 parking spaces, where 20 are required, and to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190. **Property located at 720 West 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Viesel Fuel, LLC* **Item tabled on April 8, 2014 until the meeting of April 22, 2014.**

REPORT: Applicant requested that the item be tabled until the meeting of April 22, 2014. The request has been made a part of the record.

Motion to table item PZ 3 made by Council Vice President Gonzalez, and seconded by Councilman Caragol. MOTION PASSED (7-0) Item tabled until April 22, 2014

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-04 that granted adjustments on property located at **929 West 67 Street, Hialeah, Florida**; and providing for an effective date. *Applicants: Secundino & Lydia Gonzalez* **Item tabled on April 8, 2014 until the meeting of April 22, 2014.**

Motion to table item FD 1. made by Councilwoman Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (7-0). Item tabled until April 22, 2014

MEETING ADJOUNED at 9:38pm

NEXT CITY COUNCIL MEETING: April 22, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 27, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need

to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).